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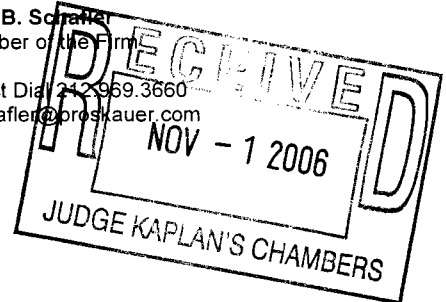
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## MEMO ENDORSED

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Member of the Firm

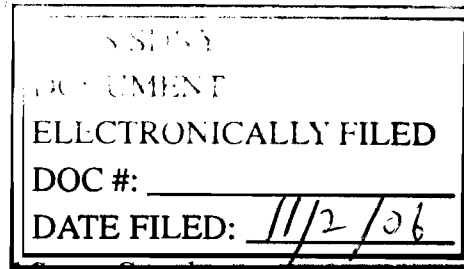
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November 1, 2006

**BY HAND**

Hon. Lewis A. Kaplan  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1310  
New York, NY 10007-1312



Re: *American Steamship Owners Mutual Protection and Indemnity Association, Inc. v. Alcoa Steamship Co. et al.*, 04 CV 4309 (LAK)

Dear Judge Kaplan:

We represent Defendants Keystone, BP, MTL, Kirby Inland Marine (as successor to Hollywood Marine Inc.), American Steamship Company, Hess Corporation, The Cleveland-Cliffs Steamship Company, Ispat, Sea Mobility, Alcoa Steamship Company, Inc., and related entities, and Sabine Towing & Transportation Co., Inc., as defined in their Answers and Counterclaims filed in the above-referenced action. We are in receipt of your October 30, 2006 Order regarding pre-trial filings in the above listed case. We respectfully ask for a clarification of this order in light of the previous filings the parties have submitted pursuant to Your Honor's prior orders, described below.

On March 7, 2006, Your Honor set forth an order regarding pre-trial filings (attached as Ex. A). Pursuant to that order, the parties submitted a joint pre-trial order in the form prescribed by Your Honor's individual practices on April 14, 2006, which was amended for technical corrections on May 18, and both of which were so ordered by Your Honor on April 18 and May 23, 2006 respectively.

Further pursuant to the March 7, 2006 Order:

(a) Plaintiff served on Defendants affidavits containing the direct testimony of its witnesses on May 12, 2006;

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(b) the Defendants served on Plaintiff affidavits containing the direct testimony of their witnesses, along with a list of witnesses they intend to subpoena for trial and those of Plaintiff's witnesses they wish to cross examine on July 12, 2006;

(c) Plaintiff served affidavits containing direct rebuttal testimony on June 24, 2006, along with a list of Defendants' witnesses it wished to cross examine;

(d) Defendants served on July 30, 2006, a list of Plaintiff's rebuttal witnesses they wished to cross-examine;

(e) trial memoranda were served by both Plaintiff and Defendants on July 7, 2006; and

(f) on July 7, 2006, the items listed in (a)-(e) above were filed along with copies of all exhibits and deposition designations listed in the Joint Pre-trial Order pursuant to the Court's March 7, 2006 Order.

In view of the foregoing submissions, we respectfully ask for clarification as to whether the court requires further filings as listed in Items 1-6 of its October 30, 2006 order. If no further filings are needed, Defendants are prepared to proceed to trial at the Court's convenience.

Respectfully yours,

*Seth Schafler/lab*  
Seth B. Schafler

**MEMO ENDORSED**

cc: All Counsel of Record

Encl.

*The order dated 10/26/06  
was entered in error  
and is vacated.*

SO ORDERED *he*  
LEWIS A. KAPLAN, USDJ  
11/2/06